

FOIAb3b

Whereabouts of Figure In B26 Case 'Unknown'

A Buffalo customs agent testified in Federal Court Friday that he has no knowledge of the whereabouts of Gregory R. Board and doesn't believe anybody else in the government knows either.

Board, 45, is the Tucson, Ariz., businessman who was indicted in an alleged conspiracy to smuggle World War II B26 bombers to Portugal, but who fled the country before he could be arrested.

It is the contention of Edwin Marger of Miami Beach, Fla., a defense lawyer in the trial, that the Central Intelligence Agency approved of the bomber exports and the government deliberately let Board, alleged ringleader of the scheme, get out of the country.

The Custom agent, Richard E. Pyne, testified as the second week of the trial ended. Judge John O. Henderson directed the jury to return at 10 Tuesday morning.

On trial are Henri M. F. deMarin deMontmarin, 58, a Paris businessman; John R. Hawke, 28, a Ft. Lauderdale, Fla., pilot, and Woodrow W. Roderick, 47, a Winnipeg, Man., businessman.

Conspiracy Charges

All were indicted with Board on charges of conspiring to violate the Munitions Control Act, which forbids the export of certain weapons of war without special State Department license.

"Do you know if Board went

(to Jamaica, British West Indies) with the knowledge of U.S. authorities?" Marger asked Pyne.

"I don't know that," Pyne said.

"Do you know that all three (Kawke, Board and DeMontmarin) were under surveillance in Miami?" Marger asked.

Pyne indicated he was aware of this.

"Do you know that Board was under surveillance until he left for Jamaica?" the lawyer pursued.

"It is my understanding he bought a ticket for Pittsburgh. I still don't know how he got out of the country," Pyne replied.

Queried on Arrest

Marger also wanted to know why Pyne didn't arrest Board when the latter flew into Rochester with a C46 cargo plane containing spare parts for B26s.

Pyne maintained he couldn't arrest Board or the others because no crime had been committed.

"At the time, I had only the information that there was a possibility the plane would leave the country," Pyne said, adding:

"I asked where he was going and he said Pittsburgh, St. Louis and Dallas."

The government maintains seven bombers were sent to Portugal, at least two of them via this area. It also alleges that one C46 loaded with parts went to Portugal before the arrests were made in Miami and a C46 flight was stopped.

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